



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Robinson *et al.*

Appl. No.: 09/942,583

Filed: August 31, 2001

For: **Neisserial Vaccine Compositions  
and Methods**

Confirmation No.: 9616

Art Unit: 1645

Examiner: Minnifield, N. M.

Atty. Docket: 1581.0840001/RWE/M-G

**First Supplemental Information Disclosure Statement**

**Under 37 C.F.R. § 1.97(b)**

Commissioner for Patents  
PO Box 1450  
Alexandria, VA 22313-1450

Sir:

Listed on accompanying Form PTO-1449 are documents that may be considered material to the examination of this application, in compliance with the duty of disclosure requirements of 37 C.F.R. §§ 1.56, 1.97 and 1.98. The numbering on this First Supplemental Information Disclosure Statement is a continuation of the numbering in Applicants' Information Disclosure Statement filed on August 21, 2001 in connection with the above-captioned application. A copy of each document is provided.

The Examiner's attention is directed to the following co-pending application:

U.S. Application No. 10/185,769, Robinson *et al.*, filed July 1, 2002, now published as U.S. Publication No. 2003/0021812 A1, and submitted herewith as document **AB1**.

In accordance with the recent Federal Circuit decision in Dayco Prods., Inc. v. Total Containment, Inc. 329 F.3d 1358 (Fed. Cir. 2003), Applicants submit herewith Office Actions from:

the related U.S. Published Application No. 2003/0021812 A1 as documents **AS2** and **AT2**;

which is directed to related technical subject matter. The Examiner is respectfully requested to consider the cited application and the art cited therein during examination.

Where the publication date of a listed document does not provide a month of publication, the year of publication of the listed document is sufficiently earlier than the effective U.S. filing date and any foreign priority date so that the month of publication is not in issue. Applicants have listed publication dates on the attached PTO-1449 based on information presently available to the undersigned. However, the listed publication dates should not be construed as an admission that the information was actually published on the date indicated.

Applicants reserve the right to establish the patentability of the claimed invention over any of the information provided herewith, and/or to prove that this information may not be prior art, and/or to prove that this information may not be enabling for the teachings purportedly offered.

This statement should not be construed as a representation that a search has been made, or that information more material to the examination of the present patent application does not exist. The Examiner is specifically requested not to rely solely on the material submitted herewith.

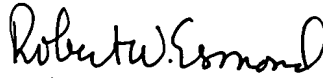
This Information Disclosure Statement is being filed before the mailing of a first Office Action after the filing of a request for continued examination under 37 C.F.R. § 1.114. No statement or fee is required.

It is respectfully requested that the Examiner initial and return a copy of the enclosed PTO-1449, and indicate in the official file wrapper of this patent application that the documents have been considered.

The U.S. Patent and Trademark Office is hereby authorized to charge any fee deficiency, or credit any overpayment, to our Deposit Account No. 19-0036.

Respectfully submitted,

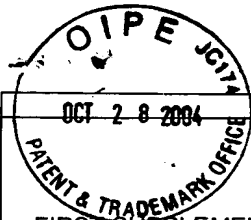
STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.



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Attorney for Applicants  
Registration No. 32,893

Date: Oct 28, 2004

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OCT 28 2004

FORM PTO-1449

FIRST SUPPLEMENTAL INFORMATION DISCLOSURE  
STATEMENTATTY. DOCKET NO.  
1581.0840001/RWE/M-G  
FIRST NAMED INVENTOR  
Robinson *et al.*  
FILING DATE  
August 31, 2001APPLICATION NO.  
09/942,583ART UNIT  
1645

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## U.S. PATENT DOCUMENTS

EXAMINER INITIAL		DOCUMENT NUMBER	DATE	NAME	CLASS	SUB-CLASS	FILING DATE
	AA						
	AB1	2003/0021812 A1	01/30/2003	Robinson <i>et al.</i>			07/01/2002
	AC1	5,980,912	11/09/1999	Podolski <i>et al.</i>			03/25/1997
	AD						
	AE						
	AF						
	AG						
	AH						
	AI						
	AJ						
	AK						

## FOREIGN PATENT DOCUMENTS

EXAMINER INITIAL		DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUB-CLASS	TRANSLATION
	AL						Yes No
	AM						Yes No
	AN						Yes No
	AO						Yes No
	AP						Yes No

## OTHER (Including Author, Title, Date, Pertinent Pages, etc.)

	AR		
	AS	2	Copy of Office Action for United States Patent Application No. 10/185,769, Robinson <i>et al.</i> , filed July 1, 2002, mailed November 28, 2003
	AT	2	Copy of Office Action for United States Patent Application No. 10/185,769, Robinson <i>et al.</i> , filed July 1, 2002, mailed June 18, 2004

EXAMINER	DATE CONSIDERED
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EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to Applicant.

FORM PTO-1449

ATTY. DOCKET NO.  
1581.0840001/RWE/M-GAPPLICATION NO.  
09/942,583FIRST NAMED INVENTOR  
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STATEMENT

OCT 28 2004

U.S. PATENT &amp; TRADEMARK OFFICE

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	AA						
	AB						
	AC						
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	AG						
	AH						
	AI						
	AJ						
	AK						

## FOREIGN PATENT DOCUMENTS

EXAMINER INITIAL		DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUB-CLASS	TRANSLATION
	AL						Yes No
	AM						Yes No
	AN						Yes No
	AO						Yes No
	AP						Yes No

## OTHER (Including Author, Title, Date, Pertinent Pages, etc.)

	AR	3	Hoehn, G.T. and Clark, V.G. "Distribution of a Protein Antigenically Related to the Major Anaerobically Induced Gonococcal Outer Membrane Protein among Other <i>Neisseria</i> Species," <i>Infection and Immunity</i> 58:3929-3933, American Society for Microbiology (1990).				
	AS						
	AT						

EXAMINER

DATE CONSIDERED

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